



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/843,536	04/25/2001	Todd A. Newville	09651-014001	7416

26161 7590 10/17/2005

FISH & RICHARDSON PC
P.O. BOX 1022
MINNEAPOLIS, MN 55440-1022

EXAMINER

RAMPURIA, SHARAD K

ART UNIT	PAPER NUMBER
----------	--------------

2688

DATE MAILED: 10/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/843,536	Applicant(s) NEWVILLE, TODD A.	
	Examiner Sharad Rampuria	Art Unit 2683	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 6-20 is/are pending in the application.
- 4a) Of the above claim(s) 3-5 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 6-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-----------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment

I. Applicant's arguments with respect to claims 1-2, 6-20 has been considered but is moot in view of the new ground(s) of rejection.

Claims 3-5 were cancelled as in previous action.

DETAILED ACTION

Claim Rejections - 35 USC § 103

II. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2, 6, 8, 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Swartz et al. [US 6937998] in view of Watson [GB 2340336].

Regarding claim 1, Swartz disclosed a communication system (Abstract) comprising:

A local server (12-13; Fig.3) in communication with said transceiver (115; Fig.3), said local server being configured to respond to entry of a mobile processing-system present within said information portal (i.e. within working range of the base station; Col.10; 4-10) and to provide to said mobile processing systems data previously requested for said mobile processing

Art Unit: 2683

system prior to entry of said mobile processing system into said information portal. (i.e. provide the product which is previously interested by customer; Col.10; 10-19)

Swartz doesn't teach specifically a stationary transceiver. However, Watson teaches in an analogous art, that said a stationary transceiver (6; Fig.1) defining an information portal in a vicinity thereof; (Pg.4; 1-19) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include a stationary transceiver in order to provide a means for creating a virtual local environment for a mobile subscriber.

Regarding claim 2, Swartz disclosed a communication system (Abstract) comprising:

A local server (12-13; Fig.3) in communication with said transceiver (115; Fig.3), said local server being configured to respond to identity and respond to a mobile processing-system present within said information portal (i.e. within working range of the base station; Col.10; 4-10) and to perform a function on the basis of the identity of said mobile processing-system. (i.e. provide the product which is previously interested by customer; Col.10; 10-19) said function being selected from the group consisting of: permitting building access to a portion of said building; controlling an elevator in said building. (i.e. an elevator; Col.9; 38-42)

Swartz doesn't teach specifically a stationary transceiver. However, Watson teaches in an analogous art, that said a stationary transceiver (6; Fig.1) defining an information portal in a vicinity thereof; (Pg.4; 1-19) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include a stationary transceiver in order to provide a means for creating a virtual local environment for a mobile subscriber.

Art Unit: 2683

Regarding claim 6, Swartz fails to disclosed access control unit being controlled by said local server on the basis of the identity of said mobile processing-system. However, Watson teaches in an analogous art, that the communication system of claim 2, further comprising an access control unit in communication with said local server, said access control unit being controlled by said local server on the basis of the identity of said mobile processing-system. (Pg.4; 1-19, Pg.5; 5-10 and Pg.6; 11-16) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include access control unit being controlled by said local server on the basis of the identity of said mobile processing-system in order to provide a means for creating a virtual local environment for a mobile subscriber.

Regarding claim 8, Swartz disclosed the communication system of claim 1, wherein said stationary transceiver is disposed at a location selected from the group consisting of an elevator, a building lobby, and a vehicle (i.e. an elevator; Col.9; 38-42).

Regarding claim 9, Swartz disclosed the communication system of claim 1, wherein said local server and said stationary transceiver are in communication across a local area network. (Col.11; 1-6)

Regarding claim 10, Swartz disclosed the communication system of claim 1, wherein said local server and said stationary transceiver are in wireless communication across a local area network. (Col.11; 1-6)

Art Unit: 2683

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Swartz and Watson further in view of Carey et al.

Regarding Claim 7, the above combinations disclosed all the particulars of the claim except transceiver is selected from the group consisting of a radio transceiver, an optical transceiver, an infrared transceiver, and an acoustic transceiver. However, Carey teaches in an analogous art, that the communication system of claim 1, wherein said stationary transceiver is selected from the group consisting of a radio transceiver, an optical transceiver, an infrared transceiver, and an acoustic transceiver. (col.9; 1-9) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include transceiver is selected from the group consisting of a radio transceiver, an optical transceiver, an infrared transceiver, and an acoustic transceiver in order to provide optimum radiation patterns within coverage area of a wireless communication system.

Claims 11-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Swartz and Watson further in view of Schwartz et al. [US 6473609]

Regarding Claim 11, the above combinations disclosed all the particulars of the claim except a fulfillment server in communication with said local server, said fulfillment server having access to a wide area network. However, Schwartz teaches in an analogous art, that the communication system of claim 1, further comprising a fulfillment server in communication with said local server, said fulfillment server having access to a wide area network. (604; fig.1; col.11;

4-33) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include a fulfillment server in communication with said local server, said fulfillment server having access to a wide area network in order to applicable to navigation of Internet web pages by two-way interactive communication mobile devices.

Regarding Claim 12, the above combinations disclosed all the particulars of the claim except local server comprises a cache for temporary accumulation of information from said fulfillment server to be relayed to said mobile processing system. However, Schwartz teaches in an analogous art, that the communication system of claim 11, wherein said local server comprises a cache for temporary accumulation of information from said fulfillment server to be relayed to said mobile processing system. (col.17; 3-15). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include local server comprises a cache for temporary accumulation of information from said fulfillment server to be relayed to said mobile processing system in order to applicable to navigation of Internet web pages by two-way interactive communication mobile devices.

Regarding Claim 13, the above combinations disclosed all the particulars of the claim except a global computer. However, Schwartz teaches in an analogous art, that the communication system of claim 11, wherein said wide area network comprises a global computer network. (604; fig.1; col.11; 4-33). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include a global computer in order to

Art Unit: 2683

applicable to navigation of Internet web pages by two-way interactive communication mobile devices.

Regarding Claim 14, the above combinations disclosed all the particulars of the claim except a fulfillment server. However, Schwartz teaches in an analogous art, that the communication system of claim 11, wherein said fulfillment server includes a user-interface for enabling a user to cause said fulfillment server to collect selected information. (604; fig.1; col.11; 4-33) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include a fulfillment server in order to applicable to navigation of Internet web pages by two-way interactive communication mobile devices.

Regarding Claim 15, the above combinations disclosed all the particulars of the claim except a fulfillment server. However, Schwartz teaches in an analogous art, that the communication system of claim 14, wherein said fulfillment server is configured to provide said selected information to said local server when said local server identifies, within said information portal, a mobile processing unit associated with said user. (604; fig.1; col.11; 4-33) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include a fulfillment server in order to applicable to navigation of Internet web pages by two-way interactive communication mobile devices.

Regarding Claim 16, the above combinations disclosed all the particulars of the claim except a fulfillment server. However, Schwartz teaches in an analogous art, that the

Art Unit: 2683

communication system of claim 14, wherein said fulfillment server includes a user-interface for enabling a user to cause said fulfillment server to detect an occurrence of a condition. (604; fig.1; col.11; 4-33). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include a fulfillment server in order to applicable to navigation of Internet web pages by two-way interactive communication mobile devices.

Regarding Claim 17, the above combinations disclosed all the particulars of the claim except a fulfillment server. However, Schwartz teaches in an analogous art, that the communication system of claim 16, wherein said fulfillment server is configured to provide information indicative of an occurrence of said condition to said local server when said local server identifies, within said information portal, a mobile processing unit associated with said user. (604; fig.1; col.11; 4-33) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include a fulfillment server in order to applicable to navigation of Internet web pages by two-way interactive communication mobile devices.

Regarding Claim 18, the above combinations disclosed all the particulars of the claim except fulfillment server is configured to provide interactive services to said mobile processing unit. However, Schwartz teaches in an analogous art, that the communication system of claim 16, wherein said fulfillment server is configured to provide interactive services to said mobile processing unit. (604; fig.1; col.11; 4-33). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include fulfillment server is configured to

Art Unit: 2683

provide interactive services to said mobile processing unit in order to applicable to navigation of Internet web pages by two-way interactive communication mobile devices.

Regarding claim 19, Swartz disclosed a communication system (Abstract) comprising:

A server system (12-13; Fig.3) in communication with each of said stationary receivers (115; Fig.3), said mobile processing systems, in response to entry of said mobile processing system into said information portal data previously requested by said mobile processing system prior to entry of said mobile processing system into said information portal. (i.e. provide the product which is previously interested by customer; Col.10; 4-19)

Swartz doesn't teach specifically a stationary transceiver. However, Watson teaches in an analogous art, that said a plurality of stationary transceiver (6; Fig.1) defining an information portal in a vicinity thereof; (Pg.4; 1-19) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include a stationary transceiver in order to provide a means for creating a virtual local environment for a mobile subscriber.

The above combination doesn't disclose explicitly, a global computer. However, Schwartz teaches in an analogous art, that server system having a link to a global computer network and thereby providing said mobile processing system with wireless access to said global computer network said server system including a server. (Abstract, col.17; 3-15, col.3; 37-54) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include a global computer in order to applicable to navigation of Internet web pages by two-way interactive communication mobile devices.

Claim Rejections - 35 USC § 102

III. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 20 is rejected under 35 U.S.C. 102 (e) as being anticipated by Swartz et al. [US 6937998]

Regarding claim 20, Swartz disclosed a method for providing a mobile processing system (Abstract) with wireless access to a global computer network (Col.11; 1-6), said method comprising:

Maintaining an information portal (i.e. within working range of the base station; Col.10; 4-10);

Establishing wireless communication between said mobile processing system and a server system following entry of said mobile processing system into said information portal; (i.e. in proximity; Col.10; 10-19)

Causing data previously requested by said mobile processing system prior to entry of said mobile processing system into said information portal to be provided to said mobile processing

Art Unit: 2683

systems, in respond to entry of a mobile processing-system present within said information portal (i.e. provide the product which is previously interested by customer; Col.10; 4-19)

IV. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Blight et al. disclose a communications network including a wireless access point, a messaging server coupled to the communications network, and a mobile device in communication with the communications network via an access point. The mobile device has a mobile ID associated with the device, and a program running on the mobile device from which a temporary address may be created corresponding to the mobile ID. The temporary address is useable for messaging over the communications network. The temporary address is registered with the messaging server.

Conclusion

V. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharad Rampuria whose telephone number is (571) 272-7870. The examiner can normally be reached on M-F. (8:15-4:45).

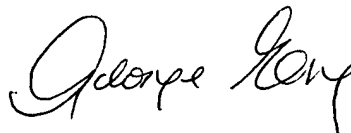
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on (571) 272-7495. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Art Unit: 2683

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or EBC@uspto.gov.

Sharad Rampuria
Examiner
Art Unit 2683

October 12, 2005


GEORGE ENG
PRIMARY EXAMINER